

App. Serial No.: 09/760,271
Atty. Docket No.: 0013-011P1

REMARKS

These remarks are in response to the Office Action dated July 14, 2004, which has a shortened statutory period for response set to expire October 14, 2004. A one-month extension of time, to expire November 15, 2004 (November 14, 2004 being a Sunday), is requested in a petition filed herewith.

Specification

The specification is amended to correct a clerical omission in the paragraph beginning at Page 28, Line 18. In particular, interactive verification module 306A was inadvertently omitted from the sentence as the component performing the eighth step 1616 of method 1600. Support for this amendment is provided at least in the amended paragraph as originally filed. In addition, the word "from" was also inadvertently omitted from a sentence in the paragraph, which is also corrected with the present amendment. No new matter is added.

Claims

Claims 1-36 are pending in the above-identified application. Claims 1-36 are rejected over prior art. Claims 1 and 13 are amended and Claims 2-12 and 14-36 remain as filed. Reconsideration is requested.

Rejections Under 35 U.S.C. § 102

Claims 1-36 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Cohen (USPN 6,422,462). The Examiner writes:

Cohen teaches a computer system and corresponding computer method for verifying a commercial transaction comprising: a processing unit for processing data and code and a memory unit for storing data and code which includes a merchant communications module to connect with the merchant for receiving a transaction approval request (col. 5, lines 35-50); data including at least one pre-verification criteria associated with the account-holder (col. 7, lines 20-67); and code further including an authorization module responsive to the transaction approval request to compare the request with the pre-verification criteria and to verify the request if the criteria is satisfied (col. 5, lines 45-50, col. 7, line 20 - col. 8, line 67).

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Applicant respectfully requests reconsideration in view of the amendments made herein.

The standard for anticipation is set forth in M.P.E.P. § 2131 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 and 36:

Claim 1 is amended herein, and recites (in part):

said code further including an authorization module responsive to said transaction approval request and operative to compare said transaction approval request with said pre-verification criteria, to verify said transaction approval request if said at least one pre-verification criteria is satisfied, and to verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied. (emphasis added)

Cohen does not teach an "authorization module" operative to "verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied," as recited by amended Claim 1. Instead, Cohen teaches that credit cards can be customized depending on particular subuses, and that a particular transaction will be declined if it does not correspond with the particular subuse.

In the present invention, an account-holder is able to define pre-verification criteria which the credit card company uses to verify transaction approval requests. If the transaction approval request satisfies the necessary pre-verification criteria defined by the account-holder, then a transaction approval request is verified without further input from the account-holder. Alternately, if the transaction approval request does not meet the necessary pre-verification criteria, then verification of the transaction approval request is carried out directly with the account-holder, as described by the present invention.

In contrast, the customized credit cards of Cohen are defined by a user for a particular subuse. If a transaction is made with the customized credit card and the transaction does not correspond to the particular subuse, then the transaction is declined. For example, Cohen

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provides the following examples for how credit cards customized to particular subuses would operate depending on the transaction.

For example, the customized card could be set to be valid for a certain limited number of dates or until a certain date. For example, if an employee is going on a business trip for two days (or some other amount of time), the card could be set to be valid on only those two days. Thus, the employee is authorized to use the card for charges on only that time that the employee is away on the business trip, **but not for any other time.** (Col. 7, Lines 35-44, emphasis added)

For example, the card could be customized so that it is only good for airline reservations, **such that if the employee tries to use it for any other type of charge, the charge will be declined,** regardless of the amount of the transaction involved. (emphasis added, Col. 8, Lines 2-6)

A customized credit card could be issued to the user which is only valid for use for that particular type of charge (computer hardware and software stores) and to the credit limit decided by the issuer or authorizing party at the corporation, **such that if the employee tries to use it for anything else or for a charge in excess of that authorized, the charge will be declined.** (emphasis added, Col. 8, Lines 25-32)

Indeed, it is readily evident from the above descriptions provided by Cohen, that if a particular transaction does not correspond to a predefined subuse, the transaction will be declined. For example, if a person attempted to purchase a train ticket with a customized card that is customized to only allow the purchase of airline tickets, the train ticket would be declined. This is in stark contrast to method of the present invention, wherein a transaction that does not meet the preverification criteria may nevertheless be approved and verified by the user.

In the present invention, if a transaction approval request that is transmitted to the credit card company cannot meet the necessary pre-verification criteria, then verification directly with the account-holder commences using any of the methods described in the present invention. If the transaction is then verified directly with the account-holder, then the transaction approval request is approved and the purchase is completed. This element of Applicant's invention provides an advantage over the method of cited reference, because Applicant's invention allows purchases to be completed even when a particular transaction approval request cannot be verified

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by the pre-verification criteria. According to the method of the cited reference, such transactions, no matter how important to the user, would simply not be approved.

Using the same example presented above, if purchasing the train ticket did not satisfy the necessary pre-verification criteria of the present invention, the transaction approval request would not be automatically declined. Instead, the purchase of the train ticket would be verified directly with the account-holder, and if verified, the transaction approval request would be approved and the purchase completed.

Applicant notes that Cohen does disclose that a special card number could be assigned that requires user verification of transactions. At Column 7, Lines 1-19, Cohen provides:

Although a disposable credit card number system is preferred, as described above, alternatively, a special, separate (disposable or customized) credit card number could even be assigned specifically for use over the Internet, whose use is subject to higher security measures, whether usable one or more than once. For example, after use, the user would have to call into the credit card company to verify the transaction, or the credit card company would call the user at a predetermined number (e.g. the user's home number) to verify that the user made the transaction. This alternative system could be used for example, exclusively with Internet transactions on secure connections, to provide an additional level of comfort to those users who are uncomfortable with transmission of card information even over secure connections. In the event of problems, this separate Internet credit card number could be deactivated separately from the main credit card number associated with the account.

Applicant has carefully reviewed the cited reference, and believes that this is the sole reference to requiring verification of a transaction by a user. There is no suggestion of using preverification criteria, as claimed by Applicant. There is absolutely no indication in the cited reference that a transaction made with a customized card will have the opportunity to be approved if the transaction violates the particular subuse assigned to the customized card.

The bottom line is that Cohen does not disclose the use of "preverification criteria" in any manner whatsoever. In other words, Cohen simply does not disclose suspending the verification process if certain criteria are met, but requiring verification if the criteria are not met.

For the above reasons, Applicant respectfully asserts that the cited reference does not disclose an "authorization module" operative to "verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied," as recited by

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amended Claim 1. Because the cited reference does not teach all the limitations of amended Claim 1, the cited reference does not anticipate amended Claim 1. Claims 2-13 depend either directly or indirectly from Claim 1 and are therefore distinguished from the cited prior art for at least the reasons provided above with respect to amended Claim 1.


As amended herein, Claim 13 recites the step of "verifying said transaction approval request with said account-holder if said pre-verification criteria are not met." Accordingly, for the reasons provided above with respect to Claim 1, the cited reference does not teach such a step. Because the cited reference does not teach or suggest every limitation of amended Claim 13, the cited reference does not anticipate amended Claim 13. Claims 14-36 depend either directly or indirectly from Claim 13 and are therefore distinguished from the cited prior art for at least the reasons provided above with respect to amended Claim 13.

For the above reasons Applicant requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

For the foregoing reasons, Applicant believes Claims 1-36 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-36, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's attorney at (269) 279-8820.

Respectfully submitted,

Date: 11/15/04


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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-9306.

Date: 11/15/04


Larry E. Henneman, Jr.